

CHAPTER 219

BAIL

S. F. 305

AN ACT repealing sections five thousand five hundred fifteen (5515) (C. C. Sec. 9268), five thousand five hundred sixteen (5516) (C. C. Sec. 9269), five thousand five hundred seventeen (5517) (C. C. Sec. 9270) of the code of 1897, and section five thousand five hundred eighteen (5518) of the supplement to the code, 1913, (C. C. Sec. 9271), and five thousand five hundred nineteen (5519) (C. C. Sec. 9272) of the code, relating to forfeiture of bail, and to enact a substitute therefor.

Be it enacted by the General Assembly of the State of Iowa:

1 **SECTION 1. Repeal—entry of forfeiture.** That sections five thou-
2 sand five hundred fifteen (5515) (C. C. Sec. 9268), five thousand five
3 hundred sixteen (5516) (C. C. Sec. 9269), five thousand five hundred
4 seventeen (5517) (C. C. Sec. 9270) of the code of 1897, and section
5 five thousand five hundred eighteen (5518) of the supplement to the
6 code, 1913, (C. C. Sec. 9271) and five thousand five hundred nineteen
7 (5519) (C. C. Sec. 9272) of the code, be and the same are hereby
8 repealed and the following enacted in lieu thereof:

9 If the defendant fails to appear for arraignment, trial or judgment,
10 or at any other time when his personal appearance in court is lawfully
11 required, or to surrender himself in execution of the judgment, the
12 court must at once direct an entry of such failure to be made of
13 record and the undertaking of his bail, or the money deposited instead
14 of bail, is thereupon forfeited.

1 **SEC. 2. Notice of forfeiture—hearing—judgment.** As a part of the
2 entry of forfeiture as herein provided, the court shall direct the
3 sheriff of the county to give ten days' notice in writing or otherwise
4 as directed by the court to the defendant and his sureties to appear
5 and show cause, if any, why judgment should not be entered for the
6 amount of such bail, or money deposited instead of bail. If the de-
7 fendant and his sureties fail to appear, judgment shall be entered by
8 the court. If such defendant and his sureties shall appear at the time
9 fixed and offer objections to the entering of such judgment, the court
10 shall set the case down for immediate hearing as an ordinary action;
11 in such hearing the state shall be plaintiff and the defendant and his
12 sureties defendants. The judgment entered by the court either on
13 default or upon trial shall have the same force and effect as any other
14 judgment of such court.

1 **SEC. 3. Forfeitures in inferior courts.** Where forfeiture is entered
2 before a justice of the peace or a court of limited jurisdiction, or be-
3 fore an examining magistrate, such court or officer, upon the for-
4 feiture of the undertaking, shall within ten days file the same, with
5 a copy of all official entries in relation thereto, in the office of the clerk
6 of the district court of the county; and thereupon it shall be the duty
7 of the clerk of the district court to direct the sheriff to give notice
8 as herein prescribed for appearance before the district court at the
9 date fixed in such notice, and the district court shall then proceed in
10 the same manner as though such forfeiture had occurred in such court.

1 **SEC. 4. Avoiding forfeiture and judgment.** Where a forfeiture
2 and judgment has been entered as herein provided and the amount
3 of the judgment has been paid to the clerk, he shall hold the same
4 as funds of his office for a period of sixty days from the date of
5 judgment. Such judgment shall never be set aside unless within sixty
6 days from the date thereof, the defendant shall voluntarily surrender
7 himself to the sheriff of the county or his bondsmen shall, at their
8 own expense, deliver him to the custody of the sheriff within said time,
9 whereupon the court may, upon application, set aside the judgment
10 and in such event the original appearance bond shall stand and the
11 court may order refund of the amount of the judgment paid in to the
12 office of the clerk of the court. Such judgment, however, shall not
13 be set aside unless as a condition precedent thereto the defendant
14 and his sureties shall have paid all costs incurred in connection there-
15 with.

1 **SEC. 5. Pending litigation.** The provisions of this act shall in no
2 manner affect pending litigation.

Approved March 28, A. D. 1923.

CHAPTER 220

GRAND JURORS

H. F. 584

AN ACT to amend section fifty-two hundred forty-six (5246) of the supplement to the code, 1913, (C. C. 9306-7) relating to the drawing of grand jurors.

Be it enacted by the General Assembly of the State of Iowa:

1 **Filling grand jury panel.** That the law as it appears in sec-
2 tion fifty-two hundred forty-six (5246) supplement to the code, 1913,
3 (C. C. 9306-7), be amended by adding thereto the following: "If for
4 any cause the number of grand jurors is reduced below twelve, the
5 court or judge may order the clerk to immediately draw from the
6 grand jury list sufficient additional names to fill the panel, and such
7 new grand jurors so drawn may, if so ordered by the court, serve as
8 regular grand jurors for the county in which they are drawn for the
9 remainder of the year."

Approved April 11, A. D., 1923.